

ATTENTION ATTENTION ATTENTION

1504

Method of Refund:

ACH/EFT

Credit Card

Deposit Account # 08/2448

Treasury Check

Patent/TM/App/Serial # 09/937,905

Program Area Publishing

Date Processed 10/24/07

ATTENTION ATTENTION ATTENTION

Docket No.: 0230-0169P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shiken SHA et al.

Application No.: 09/937,905

Confirmation No.: 5513

Filed: October 1, 2001

Art Unit: 1646

For: NOVEL PROTEINS, GENE ENCODING THE
SAME AND METHOD OF UTILIZATION
THEREOF

Examiner: E. Kemmerer

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of September 2007 for the above-identified

application patent

A copy of the monthly statement in which the error referred to occurs, accompanies this request.

02 FC:1504 300.00 CR

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input checked="" type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____

and/or

<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	_____
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____

Application No.: 09/937,905

Docket No.: 0230-0169P

- excess claims _____
- issue fee _____
- petition fee _____
- patent maintenance fee _____
- first maintenance fee _____
- second maintenance fee _____
- third maintenance fee _____
- patent maintenance fee surcharge _____
- Other: Publication Fee \$300.00

TOTAL REFUND REQUESTED \$300.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The present application was never published as a pending application and, from a review of the U. S. Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system, there is no projected date for publication of this application. A copy of the PAIR printout is attached hereto.

Additionally, the Notice of Allowance dated June 11, 2007 did not require the payment of a Publication Fee. Accordingly, the Issue Fee in the amount of \$1,400.00 was paid by Applicants on September 6, 2007. Subsequent to the payment of the Issue Fee, it was determined that the Publication Fee in the amount of \$300.00 was erroneously charged to the undersigned's Deposit Account No. 02-2448 (a copy of the Deposit Account Statement is attached hereto).

Since the Issue Fee was paid on September 6, 2007, there should be sufficient time to remove the application from the publication queue. Accordingly, no publication fee should be due (see 37 C.F.R. § 1.211(e), i.e., "The publication fee set forth in § 1.18(d) must be paid in each application published under this section before the patent will be granted...If the application is not published under this section, the publication fee (if paid) will be refunded."). Because this application was never published under 37 C.F.R. § 1.211, it is respectfully submitted that it is inappropriate for the U.S. Patent and Trademark Office to charge the undersigned the \$300.00 publication fee under 37 C.F.R. § 1.18(d). The U.S. Patent and Trademark Office cannot charge fees for services which are not rendered.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

Application No.: 09/937,905

Docket No.: 0230-0169P

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: OCT 18 2007

Respectfully submitted,

By Mary Anne Armstrong
MaryAnne Armstrong, Ph.D.
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Copy of PAIR Printout
Copy of September 2007 Deposit Account Statement

09/937,905 NOVEL PROTEINS GENE ENCODING THE SAMEAND METHOD OF UTILIZATION THEREOF 10-17-
2007::16:13:48

Bibliographic Data

Application Number:	09/937,905	Customer Number:	2292
Filing or 371 (c) Date:	10-01-2001	Status:	-
Application Type:	Utility	Status Date:	09-14-2007
Examiner Name:	KEMMERER, ELIZABETH	Location:	ELECTRONIC
Group Art Unit:	1646	Location Date:	-
Confirmation Number:	5513	Earliest Publication No:	-
Attorney Docket Number:	0230-0169P	Earliest Publication Date:	-
Class / Subclass:	435/069.100	Patent Number:	-
First Named Inventor:	Shiken Sha , Kanagawa, (JP)	Issue Date of Patent:	-

Title of Invention: NOVEL PROTEINS GENE ENCODING THE SAMEAND METHOD OF UTILIZATION THEREOF

[Close Window](#)

Deposit Account Statement

Statement
Month: Sep-07
Account
Number: 22448
Name: STEWART
KOLASCH &
BIRCH
Attention:
Street: GATEHOUSE
Address 1: ROAD
Street: SUITE 500
Address 2: EAST
FALLS
City: CHURCH
State: VA
Zip: 22042
Country: UNITED
STATES

DATE	SEQ	REF TXT	POSTING	ATTORNEY	FEE	BAL
			NBR	DOCKET	CODE	
4-Sep	2			1252	\$450.00	\$466,433.00
4-Sep	1			1202	(\$50.00)	\$466,433.00
4-Sep	2			1201	(\$800.00)	\$457,233.00
4-Sep	1328			1202	\$50.00	\$457,233.00
4-Sep	2430			2642	\$200.00	\$457,033.00
4-Sep	2431			2633	\$100.00	\$468,933.00
4-Sep	2432			2614	\$100.00	\$468,833.00
4-Sep	2434			2051	\$65.00	\$466,768.00
4-Sep	2433			2618	\$180.00	\$466,588.00
4-Sep	2695			8021	\$40.00	\$466,548.00
4-Sep	2745			1251	\$120.00	\$466,428.00
4-Sep	2746			1801	\$790.00	\$485,838.00
4-Sep	2792			1005	\$200.00	\$485,438.00
4-Sep	2847			8021	\$40.00	\$485,398.00
4-Sep	2976			8021	\$40.00	\$485,358.00
4-Sep	3276			8021	\$40.00	\$466,318.00
4-Sep	3693			1251	\$120.00	\$466,198.00
4-Sep	3694			1801	\$790.00	\$464,408.00
4-Sep	4137			1252	\$450.00	\$463,958.00

7-Sep	140		1111	\$500.00	\$568,007.00
7-Sep	141		1311	\$200.00	\$567,807.00
7-Sep	41		1801	\$790.00	\$567,017.00
7-Sep	42		1251	\$120.00	\$568,897.00
7-Sep	7772		8021	\$40.00	\$568,857.00
7-Sep	8898		1251	\$120.00	\$568,737.00
7-Sep	9067		8021	\$40.00	\$568,697.00
7-Sep	9591		1202	\$50.00	\$568,647.00
7-Sep	74		1011	(\$300.00)	\$568,947.00
7-Sep	75		1111	(\$500.00)	\$567,447.00
7-Sep	76		1311	(\$200.00)	\$567,647.00
7-Sep	77		2011	\$150.00	\$567,497.00
7-Sep	78		2111	\$250.00	\$567,247.00
7-Sep	79		2311	\$100.00	\$567,147.00
7-Sep	630		1631	\$300.00	\$568,847.00
7-Sep	631		1842	\$400.00	\$568,447.00
7-Sep	632		1833	\$200.00	\$568,247.00
7-Sep	633		1614	\$200.00	\$566,047.00
7-Sep	534		1616	\$360.00	\$565,687.00
7-Sep	535		8021	\$40.00	\$565,647.00
7-Sep	545		1631	\$300.00	\$565,347.00
7-Sep	548		1842	\$400.00	\$564,947.00
7-Sep	547		1633	\$200.00	\$564,747.00
7-Sep	548		1615	\$360.00	\$564,397.00
7-Sep	549		8021	\$40.00	\$564,357.00
7-Sep	550		1631	\$300.00	\$564,057.00
7-Sep	551		1631	\$300.00	\$563,757.00
7-Sep	307		1808	\$180.00	\$563,577.00
7-Sep	308		1252	\$450.00	\$563,127.00
7-Sep	308		1501	\$1,400.00	\$561,727.00
7-Sep	309		1504	\$300.00	\$561,427.00
7-Sep	310		8001	\$12.00	\$561,415.00
7-Sep	311		1501	\$1,400.00	\$560,015.00
7-Sep	312	0937905 0230-0169P	1504	\$300.00	\$559,715.00
7-Sep	313		8001	\$12.00	\$559,703.00
7-Sep	314		1501	\$1,400.00	\$558,303.00
7-Sep	315		1504	\$300.00	\$558,003.00